

sale 'bankrupt stocks' of goods, or advertising 'fire sales,' or 'water and fire damaged stocks for sale,' for a limited period of time, there shall be collected \$100 per month for the first month or less than a month for each and every place where such business is located, and for each additional month that such sales are continued, at any given place, said merchant shall pay an additional sum of \$20; provided, that where they remain in one place for six months, in addition to the \$100 charged for the first month they shall pay an additional sum of \$10 per month; and provided further, that if they remain in one place for the period of twelve months, they shall be required to pay, in addition to the \$100 for the first month, the sum fixed in the preceding paragraph, according to class and amount of goods sold in one year."

Adopted.

By Senator Greer:

Amend the bill on page 15, by inserting between lines 16 and 17 the following:

"From all dealers in cigarettes in this State, the sum of \$10 per annum, a cigarette being within the meaning of this act the same as defined by the laws of the United States government; provided, that this tax shall be in addition to the occupation tax levied on merchants, and any other tax levied under the law; and provided further, that each dealer shall be required to procure an annual license from the county clerk of the county where he proposes to sell cigarettes, which shall be granted for no shorter or longer period than one year; and provided further, that the license shall describe the house and locality where the dealer proposes to sell cigarettes."

Adopted.

By Senator Bailey:

Amend page 3, line 9, by striking out "\$1000" and insert "\$1."

Adopted.

Senator Tillett moved to reconsider the vote by which the amendment was adopted.

Senator Bailey moved to table the motion to reconsider.

Lost.

The motion to reconsider then prevailed.

Senator Bailey withdrew his amendment.

By Senator Dibrell:

Amend page 4 by striking out, after the word "dollars," in line 31, down

to and including the word "profession," in line 32.

Adopted.

By Senator Bailey:

Amend page 3, line 9, by striking out "\$1000" and insert "\$100."

Adopted.

By Senator Beall:

Amend line 14, page 5, by inserting after the word "Gazette" the words "The Standard."

Adopted.

The following amendments were sent up, and ordered printed in the Journal:

By Senator Colquitt:

Amend page 7, line 16, by striking out the word "performance" and insert the word "performers" in lieu of it, and strike out "\$10" in line 17 and insert in lieu thereof the words "twenty-five dollars annually, payable semi-annually in advance."

By Senator Morriss:

Amend in line 27, page 13, by substituting "\$100" for "\$25," and in line 28, page 13, insert "\$5" for "\$3."

By Senator Wayland:

Amend page 4 by adding after the word "dollars," line 32, the following: "From every local practicing physician, surgeon, veterinary surgeon, or any medical or surgical specialist, an annual tax of \$5."

By Senator Linn of Wharton:

Amend by striking out all after the word "that" in line 17, page 15, down to and including the word "delayed" in line 5, page 16, of bill.

By Senator Tillett:

Add after the word "levied," line 24, page 4, the following:

"From every notary public, \$2.50; provided, this tax shall not be paid by any attorney or land agent or other person who pays an occupation tax other than this tax."

On motion of Senator Gough, the Senate adjourned to 10 a. m. to-morrow.

NINETY-NINTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, May 18.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Atlee.	Neal.
Darwin.	Presler.
Linn of Victoria.	Turney.

Excused.

Boren.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: Help us to see Thee in all life, to learn of Thee in Thy revealed word, and to know Thee in our conscious natures. If we have sinned against Thee and thereby stained our characters, we pray Thee to forgive us and to renew us in Thy image. Give us suitable qualifications for our delicate duties. Strengthen us in the hour of temptation. Bless our homes and private interests. We ask for Christ's sake. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Rogers,

Senator Darwin was excused for non-attendance on Saturday last and yesterday, on account of important business.

On motion of Senator Rogers,

Senator Neal was excused for non-attendance on yesterday, on account of important business.

On motion of Senator Beall,

Senator Harrison was excused for non-attendance on yesterday, on account of important business.

Senator Gough moved to excuse Senator Linn of Victoria from attendance for yesterday, to-day and Wednesday, on account of important business.

Senator Beall moved as a substitute that he be excused for yesterday and to-day.

Carried.

On motion of Senator Yett,

Senator Wayland was excused for non-attendance on Saturday last, on account of important business.

On motion of Senator Kerr,

Senator Stone was excused for non-

attendance on Saturday last and Monday, on account of important business.

On motion of Senator Terrell,

Senator Yett was excused for yesterday, on account of important business.

On motion of Senator Burns,

Senator Morriss was excused for non-attendance on Saturday last, on account of important business.

On motion of Senator Colquitt,

Senator Turney was excused for yesterday and to-day, on account of important business.

On motion of Senator Woods,

Senator Yantis was excused for yesterday, on account of important business.

On motion of Senator Lewis, the regular order of business was suspended to take up on third reading,

House bill No. 491, a bill to be entitled "An act to repeal an act entitled an act to incorporate the town of Castroville, approved January 16, 1850."

Bill read third time and passed.

On motion of Senator Ross, the regular order of business was suspended to take up on its second reading,

House bill No. 686, a bill to be entitled "An act to amend the law in regard to taxation, and to regulate the sale of liquor by amending art. 5060a and 5060c, title 104, chapter 1a, of the Revised Civil Statutes of Texas, and adding article 5060j to said chapter, requiring every person, firm, corporation or association of persons selling vinous, malt, or intoxicating liquors or medicated bitters in a local option county, precinct, or subdivision of a county to give bond and to pay a license therefor."

Bill read second time, and passed to third reading.

On motion of Senator Ross, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its third reading and final passage by the following vote:

Yeas—19.

Beall.	Morriss.
Burns.	Rogers.
Colquitt.	Ross.
Goss.	Stafford.
Gough.	Terrell.
Greer.	Tillett.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.
Linn of Wharton.	

Nays—2.

Bowser. Yantis.

Absent.

Atlee. Neal.
Bailey. Presler.
Darwin. Stone.
Dibrell.

Excused.

Boren. Turney.
Linn of Victoria.

Bill read third time, and passed by
the following vote:

Yeas—18.

Bailey. Linn of Wharton.
Beall. Rogers.
Bowser. Ross.
Burns. Stafford.
Colquitt. Terrell.
Greer. Tillett.
Harrison. Wayland.
Kerr. Woods.
Lewis. Yett.

Nays—3.

Goss. Yantis.
Gough.

Absent.

Atlee. Neal.
Darwin. Presler.
Dibrell. Stone.
Morris.

Excused.

Boren. Turney.
Linn of Victoria.

Senator Colquitt moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

EXECUTIVE MESSAGE.

The following message was received from the Governor:

Executive Office,
Austin, Texas, May 18, 1897.

To the Senate:

The advice and consent of the Senate is respectfully asked to the appointment of the following persons as notaries public for the several counties named.

C. A. CULBERSON.

AUSTIN COUNTY.

W. R. Manning, J. H. Machemehl, Bellville; Max Meissner, Industry; Geo. J. McQuaid, Bellville; Robert Blieder, Bliersville; R. W. Guyler, Wallis.

BELL COUNTY.

A. Y. Harrel, Bartlett; J. W. Love, Salado; H. E. Bradford, Belton.

BEXAR COUNTY.

C. H. Bertrand, Frank R. Newton, P. P. Barbour, H. J. Jarrell, Mrs. Wenona Stamps, E. J. Larken, Geo. Lough, J. R. Davis, Wm. B. Hamilton, jr., Frank A. Aid, Jessup Bell, W. A. H. Miller, Edward W. Heusinger, E. B. Wooten, S. S. Moody, W. R. Lucas, Miss E. T. Cohine, W. R. Lucas, San Antonio.

BOSQUE COUNTY.

Raymond Johnson, Meridian; J. B. Beall, McGirk; C. P. Howard, Fairy; J. Van Steenwyk, Dewey Lankford, Hico; W. S. Graves, W. W. Lynch, H. E. Chesley, L. Paullin, E. G. Kingsbury, E. R. Yellott, W. L. Alexander, Hamilton; J. C. Rodgers, C. M. Pattillo, Hico; Richard Kimball, H. S. Dillard, J. S. Estes, J. N. Weeks, John B. Adams, P. S. Hale, Herbert McCauley, J. W. Rudasil, Meridian; Y. Grimland, Norse; W. P. Winston, Morgan; C. V. Ogden, Kimball; J. L. White, J. W. Gillespie, Morgan; G. M. Coston, Granfills Gap; R. H. Simpson, Mosheim; J. W. Brashear, Womack; W. B. Warrington, Merrivale; Johnathan Danby, jr., Valley Mills.

BRAZORIA COUNTY.

T. C. Rowe, Brazoria; A. L. Woodward, Damon's Mound.

BROWN COUNTY.

Thos. G. Adams, Brownwood.

CALHOUN COUNTY.

C. C. Blardone, Port Lavaca.

CAMP COUNTY.

J. W. Hill, Pittsburg; W. M. Prewitt, jr., Martha.

CHAMBERS COUNTY.

Henry Griffith, Winfree.

CHEROKEE COUNTY.

A. A. Simons, Rusk; E. W. Bowman, Wells.

CHILDRESS COUNTY.

J. H. P. Jones, Childress.

CLAY COUNTY.

C. Scott Howard, Henrietta.

COLLINGSWORTH COUNTY.

E. T. O'Neil, Wellington.

COMANCHE COUNTY.

C. B. Mason, J. D. Bonner, J. M. Reiger, J. P. Graham, Comanche; Ed R. Bryan, Proctor.

COOKE COUNTY.

S. L. Whiteside.

CROCKETT COUNTY.

Sam Stephens, Ozona.

DALLAS COUNTY.

Chas. T. Morriss, John Bookhout, Edward Hirsh, E. B. Muse, J. E. Cockrell, A. C. Atchley, Dallas.

DE WITT COUNTY.

Gustav H. Schleicher, Cuero.

ELLIS COUNTY.

S. P. Skinner, T. L. Henderson, R. W. Beale, S. E. Fowler, Waxahachie.

EL PASO COUNTY.

Terry Pearce, L. H. Davis, Terry Pierce, John S. Aken, El Paso.

ERATH COUNTY.

J. R. Williams, Thurber; A. P. Young, Stephenville.

FAYETTE COUNTY.

L. Volkel, Oldenburg; H. Zavisch, Muldoon.

FLOYD COUNTY.

Geo. T. Moore, Suitaque.

FOARD COUNTY.

G. W. Thompson, Crowell.

FORT BEND COUNTY.

M. M. Newell, J. W. Boyd, William Sorley, Richmond; Chas. F. Mercer, W. B. Cochran, Stafford.

FRANKLIN COUNTY.

J. H. King, Mount Vernon.

FREESTONE COUNTY.

W. D. Anderson, Fairfield.

FRIO COUNTY.

Magus Smith, R. W. Hudson, Pear-sall; J. McDewill, Moore Station.

GALVESTON COUNTY.

C. Van Sickle, B. S. Davidson, L. B. Higgins, Herbert I. Smith, J. H. Painter, L. J. Selby, E. Burkey, Chas. S. Vi-dor, L. C. Boyd, Harry Painter, jr., C. H. Anderson, jr., E. K. Marrast, Gal-veston.

GRAYSON COUNTY.

W. J. Mathis, Denison; T. N. Parish, Kentuckytown; J. T. Edwards, Howe; B. F. Barrett, Pilot Grove; Frank Thompson, Pottsboro; H. N. Tuck, Sherman; E. J. Humphrie, Van Al-styne; J. C. Wall, Sherman.

GREGG COUNTY.

J. A. V. Barton, Kilgore.

HAMILTON COUNTY.

J. B. Beal, W. W. Lynch, E. G. Kingsbury, H. E. Chesley, W. S. Graves, Hamilton; C. P. Woodward, Fairy.

HARDIN COUNTY.

W. W. Dies, C. L. Votaw, Kountze.

HARRIS COUNTY.

H. H. Dooley, A. V. Knight, Henry J. Dannenbaum, Houston; J. W. Thompson, Webster; Frank F. Arnim, John B. Ashe, Chas. E. Ashe, Jesse Andrews, Jacob C. Baldwin, G. M. Beauchamp, J. Burgheim, Geo. A. By-ers, J. H. Bright, J. D. Bryant, C. W. Breeding, Robt. E. Breeding, Jas. H. Berry, W. T. Brown, Wm. R. Clement, W. F. Carothers, D. D. Cooley, Hous-ton; J. W. Cook, Lynchburg; J. B. Cochran, Houston; John A. Caplen, La Porte; John W. Campbell, Deer Park; P. M. Cuney, Jas. A. Carbary, A. B. Cohn, A. L. Conway, Thomas L. Coleman, L. W. Craig, R. A. Chadwick, jr., W. B. Cochran, J. L. Dickson, C. B. Dwyer, J. O. Davis, J. H. Davenport, F. V. Daniel, F. J. DeMerritt, C. A. Edling, J. S. Fagan, Fred W. Fox, Thomas C. Ford, Geo. B. Griggs, Wm. M. Giles, E. L. Guy, Wm. H. Gayle, R. B. Gant, A. M. Gentry, D. D. Hutch-ison, Miss J. W. Hucker, W. H.

Haynes, John S. Hoover, S. H. Huston, Richard H. Hanna, R. M. Hall, Geo. H. Hartwell, B. R. Herring, Robt. H. Hanna, M. J. Howard, C. W. Hahl, J. J. Hussey, A. E. Heidingsfelder, Houston; J. L. Hardy, Stenbner; Jacob H. Hiltbold, Hockley; E. F. Johnson, H. D. Johnson, Frank A. Jones, Lewis A. Kottwitz, W. F. Krah, John Kennedy, C. M. Kilgour, Emile C. Kleiber, J. E. Kidd, G. W. Kidd, Ike R. Lindley, R. A. Lohans, W. L. Lane, Fred Mason, J. Austin Miller, Miss E. A. McKinney, H. H. MacNicoll, H. Malmgren, J. V. Meek, J. S. S. Morrow, J. T. Mahoney, Claud Murchison, John A. Milroy, R. V. Montague, Hugh J. O'Neill, W. E. Osler, C. W. Nelson, B. Reksdorff, T. H. Ridgeway, John H. Ruby, T. J. Renfro, Houston; R. R. Rodacker, Webster; R. W. Scott, F. L. Schwander, Chas. F. Schultz, G. W. Simmons, Jas. C. Stanley, George C. Spencer, Chas. E. Semple, Fred Shinn, I. C. Stafford, A. J. Sharp, E. H. B. Schneider, Thos. H. Stone, L. B. N. Schneider, F. A. Schaefer, Seth E. Tracy, Stanley Thompson, J. N. Taub, M. Tankersley, J. W. Thompson, Wm. R. Tucker, Geo. N. Torrey, A. K. Taylor, C. G. Tackaberry, Frank Templeton, Geo. E. Underwood, E. H. Vasmer, W. C. Wagley, J. F. Weed, I. H. Weiner, T. B. Williams, R. E. Wilsey, J. R. West, John E. Willey, H. S. Williams, Harvey T. D. Wilson, L. M. Yesner, M. S. Ainsley, Wm. M. Giles, Houston.

HARTLEY COUNTY.

C. F. Rudolph, Channing.

HENDERSON COUNTY.

A. S. Tanner, Malakoff.

HILL COUNTY.

R. M. Vaughan, S. F. Sullenberger, Gee Abbott, J. Will Gilliam, C. E. Vance, Hillsboro; B. E. Wells, Hubbard City; A. O. Speaker, Hubbard City; T. R. Ruyle, Mt. Calm.

HOUSTON COUNTY.

D. M. Craddock, Crockett; George Furlow, Creek.

JEFFERSON COUNTY.

R. A. McReynolds, J. N. Votaw, W. R. Blain, J. D. Murray; F. H. Carpenter, Buttfeld.

LAMAR COUNTY.

John W. Rountree, Paris; E. K. Gunn, Deport.

LEE COUNTY.

W. J. Hall, Adina; W. A. Dorsett.

LIMESTONE COUNTY.

E. B. Wood, Hancock; J. D. Roberts, Jas. Kimbell, Thos. J. Gibson, W. J. Bryant, Mexia.

LIVE OAK COUNTY.

F. H. Church, Oakville.

MARION COUNTY.

B. F. Sherrell, Jefferson.

MAVERICK COUNTY.

Ralph Izard, Eagle Pass.

TOM GREEN COUNTY.

Louis L. Farr, San Angelo.

MATAGORDA COUNTY.

Hugh D. Spencer, Bay City.

McLENNAN COUNTY.

Felix D. Robertson, J. M. Turner, James H. Sturgis, J. H. Mackey, Waco; W. H. Howard, Eddy; J. Walter Cocke, jr., W. J. Cunningham, A. D. Sanford, J. H. Sturgis, Wm. M. Flournoy, Waco; S. Hundley, C. L. Clay, Moody.

MILAM COUNTY.

T. L. Daugherty, Thorndale; Jeff T. Kemp, Cameron; L. Isaacs, J. L. Lockett, Rockdale.

NAVARRO COUNTY.

C. S. West, Corsicana.

NUECES COUNTY.

C. A. Williams, Gregory; Frank H. Rhew, Corpus Christi.

PARKER COUNTY.

J. M. Richards, W. F. Noble, Weatherford.

REFUGIO COUNTY.

L. H. Woodworth, Refugio.

ROBERTSON COUNTY.

J. W. McCrary, Calvert.

ROCKWALL COUNTY.

J. Henry Williams, R. E. L. Peck, Geo. W. McCafferty, Rockwall.

RUSK COUNTY.

L. T. Standdard, W. W. Moore, Henderson.

SMITH COUNTY.

W. H. Caldwell, J. L. McBride, Will McBride, Will Parker, Phil Karner, A. S. Johnson, Geo. S. McGhee, jr., Tyler.

TARRANT COUNTY.

Fred Reiley, E. B. Alexander, Fort Worth.

TITUS COUNTY.

W. J. Johnson, L. M. Crooks, Mt. Pleasant.

TOM GREEN COUNTY.

A. R. Burges, J. G. Murphy, James J. Neill, San Angelo.

TRAVIS COUNTY.

Lawrence Olsen, Bettie P. Johnson, Charles E. Pickle, J. W. Tobin, F. W. Shelley, Wm. G. Franklin, W. G. Shelley, J. O. Caldwell, E. E. Avey, Z. T. Fulmore, Miss May Daffan, Austin; I. J. Deen, Fiskville; Victor C. Moore, Geo. E. Shelley, Austin.

TRINITY COUNTY.

W. D. Hood, Groveton.

TYLER COUNTY.

S. B. Kennedy, Woodville.

LIBERTY COUNTY.

W. D. Cruse, C. F. Stevens, Liberty.

UPSHUR COUNTY.

R. W. Simpson, Gilmer; H. L. Lemell, Lafayette; Z. W. Read, Gilmer; W. H. Weldon, Shady Grove; Andrew Quinn, Simpsonville.

VAN ZANDT COUNTY.

H. McClelland, S. D. Waldrip, Canton; J. Slone Haynes, Wills Point.

VICTORIA COUNTY.

Geo. M. Thurmond, Victoria; Geo. B. Amery, Anaqua.

WALLER COUNTY.

L. M. Moore, Fields Store; F. H. Wojtek, Waller; E. D. Dixon, Sunnyside; J. N. Ried, W. W. Crook, Keet

McDade, W. H. Dickerson, John G. Elliott, Hempstead.

WASHINGTON COUNTY.

C. F. Herbst, Brenham.

WHARTON COUNTY.

E. W. King, Golden Rod.

WILBARGER COUNTY.

J. E. M. Hedley, R. S. Houssels, Vernon.

WILLIAMSON COUNTY.

Emmett Cluck, Stanton Allen, D. W. Wilcox, John N. Ellyson.

WISE COUNTY.

S. M. Gose, Decatur.

WOOD COUNTY.

M. V. Morris, Drusilla; J. W. Mansell, Hainesville.

YOUNG COUNTY.

J. T. Lamons, Farmer, J. W. Proffitt, J. W. Groves, Olney; R. C. McPhail, Graham; T. L. Richardson, True.

ANGELINA COUNTY.

A. Chesnutt, N. D. Wright, Lufkin.

ANDERSON COUNTY.

N. M. Brooks, Palestine.

BEE COUNTY.

J. C. Crisp, Beeville.

COLLIN COUNTY.

Sam R. Hamilton, Farmersville.

CORYELL COUNTY.

E. Adams, Levita; D. H. Russell, King; R. W. Martin, Gatesville.

KNOX COUNTY.

Chas. E. Coombes, Benjamin.

MADISON COUNTY.

C. B. Black, Madisonville.

STARR COUNTY.

L. G. Schultz, Rio Grande City.

HUNT COUNTY.

R. F. Terrell, Quinlan.

On motion of Senator Goss, the regular order of business was suspended to take up on second reading,

House bill No. 700, a bill to be entitled "An act to fix the time for holding the courts in the Forty-sixth Judicial District, and to repeal all laws and parts of laws in conflict herewith."

Bill read second time, and passed to third reading.

The Chair gave notice of signing, and did sign in the presence of the Senate, after their captions had been read.

House bill No. 651, a bill to be entitled "An act to prohibit the catching of fish, green turtle, loggerheads, terrapins or shrimp with seins, drag nets, fykes, set nets, gill nets, trammel net, traps, dams or weirs in any of the bays or navigable waters of this State within the limits or within one mile of the limits of certain cities and towns, and to provide a penalty therefor,"

House bill No. 704, a bill to be entitled "An act to place Comal county in the Twenty-second judicial district, and to fix the time for holding court in the counties of said district."

House concurrent resolution No. 30, a resolution granting the Hon. J. M. Hall, judge of the Eighteenth judicial district of Texas, leave of absence from the State.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, May 18, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following motion on House bill No. 539: "That the report of the free conference committee be received and adopted, and that the House insists upon the two amendments contained therein, and the position taken by the House, and asks the Senate to appoint another free conference committee to adjust the differences between the two houses. Free conference committee on the part of the House: Messrs. Dean, Blair, Pfeuffer, Drew, Stamper.

Also, that the House has passed Senate joint resolution No. 20, granting leave of absence for sixty days from the State of Texas to Hon. W. M. Allison, judge of the Thirty-third district of Texas.

Also, that the House has adopted Senate joint resolution No. 13, relat-

ing to compensation, etc., of members of the Legislature, by the following vote: yeas 90, nays 16.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

Substitute House bill No. 207, a bill to be entitled "An act to amend article 5049, chapter 1, title 104, of the Revised Civil Statutes of 1895, relating to the collection of a tax on occupations,"

Action being on the following amendments (see Journal of yesterday):

By Senator Colquitt:

Amend page 7, line 16, by striking out the word "performance" and insert the word "performers" in lieu of it, and strike out "\$10" in line 17 and insert in lieu thereof the words "\$25 annually, payable semi-annually in advance."

Adopted.

By Senator Morriss:

Amend in line 27, page 13, by substituting "\$100" for "\$25," and in line 28, page 13, insert "\$5" for "\$3."

Lost.

By Senator Wayland:

Amend page 4 by adding after the word "dollars," line 32, the following: "From every local practicing physician, surgeon, veterinary surgeon, or any medical or surgical specialist, an annual tax of \$5."

Adopted.

By Senator Linn of Wharton:

Amend by striking out all after the word "that" in line 17, page 15, down to and including the word "delayed" in line 5, page 16, of the bill.

Adopted by the following vote:

Yeas—12.

Burns.	Linn of Wharton.
Dibrell.	Morriss.
Goss.	Rogers.
Gough.	Ross.
Kerr.	Woods.
Lewis.	Yantis.

Nays—11.

Bailey.	Stafford.
Beall.	Terrell.
Bowser.	Tillett.
Colquitt.	Wayland.
Greer.	Yett.
Harrison.	

Absent.

Atlee.	Presler.
Darwin.	Stone.
Neal.	

Excused.

Boren. Turney.
Linn of Victoria.

By Senator Tillett:

Add after the word "levied," in line 24, page 4, the following: "From every notary public, \$2.50; provided, this tax shall not be paid by any attorney or land agent or other person who pays an occupation tax other than this tax."

Senator Tillett withdrew the amendment.

By Senator Stafford:

Amend page 5, lines 24 and 25, by inserting one hundred dollars (\$100)" in lieu of "one thousand dollars (\$1000)."

Adopted.

Senator Beall moved to reconsider the vote by which the amendment was adopted.

Senator Bailey moved to table the motion to reconsider.

Lost by the following vote:

Yeas—9.

Bailey.	Lewis.
Bowser.	Linn of Wharton.
Burns.	Stafford.
Dibrell.	Yantis.
Kerr.	

Nays—12.

Beall.	Ross.
Colquitt.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Rogers.	Yett.

Absent.

Atlee.	Neal.
Darwin.	Presler.
Goss.	Stone.
Morriss.	

Excused.

Boren. Turney.
Linn of Victoria.

The motion to reconsider prevailed.
Pending action on the amendment,
Senator Gough moved to table same.
Tabled by the following vote:

Yeas—12.

Beall.	Ross.
Colquitt.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Rogers.	Yett.

Nays—9.

Bailey.	Lewis.
Bowser.	Linn of Wharton.
Burns.	Stafford.
Dibrell.	Yantis.
Kerr.	

Absent.

Atlee.	Neal.
Darwin.	Presler.
Goss.	Stone.
Morriss.	

Excused.

Boren. Turney.
Linn of Victoria.

Senator Colquitt moved to postpone further consideration of the bill till this evening's session.

Lost.

By Senator Stafford:

Amend page 12, line 25, by striking out "fifty dollars (\$50)" and inserting in lieu thereof "twenty-five dollars (\$25)."

Adopted.

(Senator Tillett in the chair.)

Pending further action,

Senator Bailey moved that the Senate go into executive session on tomorrow at 11 a. m. to consider appointments by the Governor, and to consider such other business as may properly come before it.

So ordered.

By Senator Stafford:

Amend page 13, lines 7 and 8, by striking out both lines and inserting in lieu thereof the following: "From each individual or corporation other than railroad ticket agents engaged in the sale of tickets in cities of 10,000 inhabitants and upward, the sum of \$25; in cities of 5000 inhabitants and upward, \$15; and in towns and cities of less than 5000 inhabitants, \$5."

Adopted.

By Senator Bowser:

Strike out all of page 1 from and after line 24, all of page 2, and lines 1 and 2 of page 3.

Senator Greer moved that the amendment be laid on the table.

Tabled.

By Senator Bowser:

Amend by adding after the word "purposes," in line 6, page 13, the words "or in connection with agricultural fairs and exhibitions."

By Senator Wayland:

Substitute for amendment: On page 13, line 6, strike out the words "used only for training purposes" and insert the following, "used only for pleasure and not for profit."

Lost.

Senator Bowser's amendment was then adopted.

By Senator Dibrell:

Amend by striking out, on page 13,

all between lines 9 and 13, relating to street car companies.

Adopted.

By Senator Dibrell:

Amend by adding after the word "collected" in line 8 on page 7, the following, "and provided further, that every show or exhibition which advertises itself as a circus or menagerie, or a combination of circus and menagerie, shall be held and construed to be a circus or a menagerie, or a circus and menagerie whether it be such or not."

Adopted.

By Senator Harrison:

Amend page 5, line 8, by striking out "\$20" and inserting "\$50" in lieu thereof.

Lost.

By Senator Bailey:

Strike out lines 25 to 28, inclusive, page 13.

Lost.

Senator Bailey entered a motion to reconsider the vote by which the amendment was lost.

By Senator Bowser:

Amend: Strike out in lines 1 and 2, page 15, "\$25" and insert in lieu thereof "\$250."

Pending action,

Senator Colquitt moved to adjourn to 3 p. m. to-day.

Senator Bailey moved to adjourn to 10 a. m. to-morrow.

Lost.

Senator Bailey then moved as a substitute for Senator Colquitt's motion that the Senate adjourn to 9:30 a. m. to-morrow.

Lost by the following vote:

Yeas—5.

Bailey.	Stafford.
Dibrell.	Yantis.
Lewis.	

Nays—14.

Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stone.
Gough.	Tillett.
Harrison.	Wayland.
Kerr.	Woods.
Linn of Wharton.	Yett.
Morriss.	

Absent.

Atlee.	Greer.
Beall.	Neal.
Darwin.	Presler.
Goss.	Terrell.

Excused.

Boren.	Turney.
Linn of Victoria.	

The Senate then adjourned to 3 p. m. to-day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Bailey.	Linn of Wharton.
Beall.	Morriss.
Boren.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Atlee.	Neal.
Darwin.	

Excused.

Linn of Victoria. Turney.

PENDING BUSINESS.

The Chair laid before the Senate, Substitute House bill No. 207, a bill to be entitled "An act to amend article 5049, chapter 1, of the Revised Civil Statutes of 1895, relating to occupation taxes."

Action being on the adoption of Senator Bowser's amendment (see above—morning session).

By Senator Stafford:

Amend the amendment (Bowser's) by striking out "\$250" and inserting in lieu thereof "\$100."

Senator Colquitt moved to table both the amendment and the amendment thereto.

Tabled.

By Senator Stafford:

Amend on page 15, line 1, by striking out "25" and inserting "50."

Pending action,

On motion of Senator Greer, further consideration was postponed for thirty minutes.

On motion of Senator Rogers, the regular order of business was suspended to take up on second reading.

Substitute House bill No. 221, a bill to be entitled "An act to preserve and protect the wild game, birds and fowl of the State of Texas, and provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws and parts of laws in conflict herewith,"

Bill read second time.

By Senator Stafford:

Amend page 3, lines 17 and 18, by striking out the words "or within this State."

Lost.

By Senator Stafford:

Amend by adding to section 2, line 5, page 2, after the word "taken," the following: "provided, that nothing herein contained shall be construed to prohibit the sale or shipment of ducks and wild geese."

Adopted.

Senator Stafford moved to reconsider the vote by which his amendment above was lost.

Senator Rogers moved to table the motion to reconsider.

Tabled.

(Senator Yett in the chair.)

By Senator Dibrell:

Amend section 1 by striking out, in lines 23, 24 and 25 the words, "State of Texas, and the taking or killing thereof is declared to be a privilege and not a right," and insert in lieu thereof the word "public."

By Senator Goss:

Substitute the amendment as follows: Strike out section 1.

Lost.

By Senator Colquitt:

Amend the amendment (Dibrell's) by substituting the word "people" for the word "public."

Lost by the following vote:

Yeas—10.

Boren.	Kerr.
Bowser.	Morriss.
Colquitt.	Terrell.
Gough.	Woods.
Harrison.	Yantis.

Nays—12.

Beall.	Presler.
Burns.	Rogers.
Dibrell.	Ross.
Goss.	Stafford.
Lewis.	Tillett.
Linn of Wharton.	Yett.

Absent.

Atlee.	Neal.
Bailey.	Stone.
Darwin.	Wayland.
Greer.	

Excused.

Linn of Victoria. Turney.

The amendment (Dibrell's) was then adopted.

By Senator Colquitt:

Amend by adding to section 8 the following: "Any person shooting or

taking game on Sunday shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than \$25 nor more than \$50."

By Senator Dibrell:

Amend the amendment by adding thereto "or any domestic fowl."

Senator Rogers made the point of order that the amendment to the amendment was not germane.

Sustained.

Senator Rogers then moved to table the amendment of Mr. Colquitt.

Tabled by the following vote:

Yeas—13.

Beall.	Linn of Wharton.
Bowser.	Rogers.
Burns.	Ross.
Dibrell.	Terrell.
Goss.	Yantis.
Gough.	Yett.
Kerr.	

Nays—9.

Bailey.	Presler.
Boren.	Stafford.
Colquitt.	Tillett.
Greer.	Woods.
Harrison.	

Absent.

Atlee.	Neal.
Darwin.	Stone.
Lewis.	Wayland.
Morriss.	

Excused.

Linn of Victoria. Turney.

(Lieutenant Governor Jester in the chair.)

The Chair announced that the time for which House bill No. 207 (see above) was postponed had elapsed, and was therefore pending business.

Senator Rogers moved to further suspend consideration of said bill till the one under consideration (S. H. B. No. 221) could be concluded.

Lost by the following vote:

Yeas—5.

Goss.	Rogers.
Lewis.	Stafford.
Linn of Wharton.	

Nays—16.

Beall.	Kerr.
Boren.	Morriss.
Bowser.	Ross.
Burns.	Terrell.
Colquitt.	Turney.
Dibrell.	Woods.
Greer.	Yantis.
Harrison.	Yett.

Absent.

Atlee.	Darwin.
Bailey.	Gough.

Neal.
Presler.
Stone.

Tillett.
Wayland.

Excused.

Linn of Victoria.

Senator Bowser entered a motion to reconsider the vote by which the Senate on yesterday concurred in the House amendments to

Senate bill No. 138, a bill to be entitled "An act to amend section 2439, chapter 1, of title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for the use of the State for charters, amendments and supplements thereto, and to repeal all laws and parts of laws in conflict with this act in so far as they may affect the same,"

And had same spread on the Journal.

Senator Lewis sent up the following committee report:

Committee Room,
Austin, Texas, May 18, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 685, a bill to be entitled "An act to grant to the Waco Water, Power and Electric Company the right to construct and maintain a dam across the Brazos river within five miles of the city of Waco."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman

Senator Wayland sent up the following free conference report, and asked that said report and accompanying substitute bill be printed in the Journal, and it was so ordered.

**FREE CONFERENCE COMMITTEE
REPORT NO. 2, ON SENATE
BILL NO. 83.**

Committee Room,
Austin, Texas, May 10, 1897.

Hon. Geo. T. Jester, President of the Senate, and Hon. L. T. Dashiell, Speaker of the House of Representatives:

Your free conference committee, to whom was referred

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county and precinct officers in this State, and to repeal all laws and parts of laws in conflict therewith,"

Together with the House amendments thereto, have had the same under consideration and beg leave to report the same back together with the following substitute hereto attached, and recommend that the said substitute be adopted in lieu of said bill and amendments thereto.

All of which is respectfully submitted,

WAYLAND,
GREER,
TERRELL,

On part of the Senate.
CARPENTER,
DEAN,
BOYD,
LOVE,

On part of the House.

A bill to be entitled "An act to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs, and constables in felony cases to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and to regulate the compensation of the clerk of the county court, county judge, county attorney, clerk of the district court, assessor and collector of taxes, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith." Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter in all counties of this State, where the highest number of votes cast at the last preceding election for any one officer is 3500 or over, the clerks of the district courts, district attorneys, county attorneys, sheriffs and constables shall receive from the State the following fees and compensation in felony cases, and no more:

Sec. 2. The clerks of the district court shall receive for each felony case tried in such court by jury, whether the defendant is convicted or acquitted, the sum of \$8. For each transcript on appeal or change of venue, 8 cents for each 100 words. For each felony case finally disposed of without trial or dismissed or nolle prosequi entered, \$8. For recording each account of sheriff, the sum of 50 cents. For entering judgment in habeas corpus cases, 80 cents, and for taking down testimony and preparing transcript in habeas corpus cases, 8 cents for each 100 words; but the fees in habeas corpus cases shall in no event exceed \$8 in any one case.

Sec. 3. The district or county attorneys shall receive the following fees:

1. For all convictions in case of felonious homicide, when the defendant does not appeal or dies or escapes after appeal and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of \$40.

2. For all convictions of felony when the defendant does not appeal or dies or escapes after appealing and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of \$24; provided, that in all convictions of felony where the verdict and judgment the defendant is confined in the House of Correction and Reformatory, the fees of the district or county attorney shall be \$12.

3. For representing the State in each case of habeas corpus where the defendant is charged with felony, the sum of \$16.

Sec. 4. The sheriffs or constables shall receive the following fees:

1. For executing each warrant of arrest or *capias*, or for making arrest without warrant, when authorized by law, the sum of 80 cents, and 4 cents for each mile actually and necessarily traveled in going to the place of arrest, and for conveying the prisoner or prisoners to jail, mileage as provided for in subdivision 5 shall be allowed.

2. For summoning or attaching each witness, 40 cents.

3. For summoning jury in each case where jury is actually sworn in, \$1.60.

4. For executing death warrants, \$40.

5. For removing a prisoner, for each mile going and coming, including guards and all other expenses when traveling by railroad, 8 cents; when traveling otherwise than by railroads, 12 cents; provided, that when more than one prisoner is removed at the same time, in addition to the foregoing he shall only be allowed 8 cents a mile for each additional prisoner; provided further, that when an officer goes beyond the limits of the State after a fugitive on requisition of the Governor, he shall receive such compensation as the Governor shall allow for such services.

6. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses, 4 cents; provided, that in no case shall he be allowed to duplicate his mileage when two or more witnesses are named in the same or different writs in any case, and he shall serve processes on them in the same neighborhood or vicinity during the

same trip. He shall not charge mileage for serving such witness to and from the county seat, but shall only charge one mileage, and for such additional only as are actually and necessarily traveled in summoning and attaching each additional witness. When process is sent by mail to any officer away from the county seat or returned by mail to such officer, he shall only be allowed to charge mileage for the miles actually traveled by him in executing such process, and the return of the officer shall show the character of the service and miles actually traveled in accordance with this subdivision, and his accounts shall show the facts.

7. To officers for service of criminal process not otherwise provided for, the sum of 4 cents a mile going and returning shall be allowed; provided, if two or more persons are mentioned in the same or different writs the rule prescribed in subdivision 6 shall apply.

8. For conveying a witness attached by him to any court, or in any habeas corpus proceeding out of his county, or when directed by the judge from any other county to the court where the case is pending, \$1 per day for each day actually and necessarily consumed in going and returning from such courts, and his actual necessary expenses by the nearest practical route or nearest practical public conveyance, the amount to be stated by him in an account, which shall show the place where the witness was attached, the distance to the nearest railroad station, and miles actually traveled to each court. If horses or vehicles are used, from whom hired and price paid, and length of time consumed and amount paid out for feeding horses, and to whom. If meals and lodging were provided, from whom, and when, and price paid; provided, that officers shall not be entitled to receive exceeding 50 cents per meal and 35 cents per night for lodging for any witness. Said account shall also show, before said officer shall be entitled to compensation for expenses of attached witnesses, that before starting with said witness to the foreign court, he carried each of them before the magistrate, nearest the place of serving the attachment, giving his name and residence, and that said witness made oath in writing before said magistrate, certified copies of which shall be attached to the account, that they were unable to give bond for their appearance at court, or

refused to give bond after having been advised by said officer of their right to do so. And the officer shall also present to the court the affidavit of the witness to the same effect, or shall show that the witness refused to make affidavit; and should it appear to the court that the witness was able and willing to give bond, the sheriff shall not be entitled to any compensation for conveying such witness, and said account shall be sworn to by the officer before any officer authorized to administer oaths, and shall state that said account is true, just and correct in every particular, and present the same to the judge, who shall, during such term of court, carefully examine such account, and if found to be correct in whole or in part, shall so certify, and allow the same for such amount as he may find to be correct; and if by him allowed, in whole or in part, he shall so certify; and such account, with the affidavit of the sheriff and certificate of the judge shall be recorded by the clerk of the district court in a book to be kept by him for that purpose, which shall constitute part of the proceeding or minutes of the court; and the clerk shall certify to the original account, and shall show that the same has been recorded; and said account shall then become due, and the same shall constitute a voucher, on which the Comptroller is authorized to draw a warrant, and such minutes of the court, or a certified copy thereof, may be used in evidence against the officer making the affidavit, for perjury, in case such affidavit shall be wilfully false. When the officer receiving the writ for the attachment of such witness shall take a bond for the appearance of such witness, he shall be entitled to receive from the State \$1 for each bond so taken; but he shall be responsible to the court issuing said writ that said bond is in proper form and has been executed by the witness with one or more good or solvent sureties, and said bond shall in no case be less than \$100; provided, the Comptroller may require from such officer a certified copy of all such process before auditing any account; provided, that when no inquest or examining trial has been held at which sufficient evidence was taken upon which to find an indictment, which fact shall be certified by the grand jury, or when the grand jury shall state to the district judge that an indictment can not be procured, except upon the testimony of non-resident witnesses, the district

judge may have attachments issued to other counties for witnesses not to exceed the number for which the sheriff may receive pay, as provided for below, to testify before grand juries; provided, however, that the judge shall not approve the account of any sheriff for more than one witness to any one fact, nor more than three witnesses to any one case pending before the grand jury, in which case the sheriff shall receive the same compensation as he does for conveying attached witnesses before the court.

9. For attending a prisoner on habeas corpus, for each day, \$1.60, together with mileage, as provided in subdivision 5, when removing such prisoner out of the county, under an order issued by a district or appellate judge.

Sec. 5. All fees accruing under this act shall be due and payable at the close of each term of the district court after approval, except as provided for in subdivisions 8 and 9 of the preceding section, which shall be paid when approved by the judge under whose order the writ was issued; provided, that in all cases when the defendant shall be finally convicted of a misdemeanor the sheriff or constable shall be required to pay back to the State Treasurer a sum of money equal to the amount he may have received from the State in such cases, and said sheriff or constable and their bondsmen shall be responsible to the State for such sums.

Sec. 6. In cases where the defendant is indicted for a felony, and is convicted of an offense less than a felony, no cost shall be paid by the State to any officer.

Sec. 7. That in those counties where the highest number of votes cast at the last presidential election was under 3500, the clerks of the district courts, district attorneys, county attorneys, sheriffs and constables shall receive from the State the fees and compensation in felony cases allowed under now existing laws, and are not intended to be affected by the provisions of sections 1, 2, 3, 4, 5 and 6 of this act.

Sec. 8. Each assessor of taxes shall receive the following compensation for his services, which shall be estimated upon the total values of the property assessed, as follows: For assessing the State and county on all sums of \$2,000,000 or less, 5 cents for each \$100 of property assessed; and on all sums over \$2,000,000 and less than \$5,000,000, 2 cents on each \$100;

and on all over \$5,000,000, $1\frac{1}{2}$ cents on each \$100. Two-thirds of the above fees shall be paid by the State and one-third by the county, and for assessing the poll tax, 5 cents for each poll, which shall be paid by the State. The commissioners court may allow to the assessors of taxes such sums of money, to be paid monthly from the county treasury, as may be necessary to pay for clerical work, taking assessments and making out the tax rolls of the county, such sums so allowed to be deducted from the amount allowed to the assessor as compensation upon the completion of said tax rolls; provided, the amount allowed the assessor by the commissioners court shall not exceed the compensation that may be due by the county to him for assessing.

Sec. 9. There shall be paid for the collection of taxes, as compensation for the services of the collector, beginning with the first day of September of each year, 5 per cent on the first \$10,000 collected for the State and 4 per cent on the next \$10,000 collected for the State, and 1 per cent on all collections over that sum; for collecting the county taxes, 5 per cent on the first \$5000 of such taxes collected, and 4 per cent on the next \$5000 collected, and $1\frac{1}{4}$ per cent on all such taxes collected over that sum, and in counties owing subsidies to railroads, the collectors shall receive only 1 per cent for collecting such railroad tax, and in cases where property is levied upon and sold for taxes he shall receive the same compensation as allowed by law to sheriffs or constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales, and on all occupation and license taxes collected, 5 per cent.

Sec. 10. That hereafter the maximum amount of fees that may be retained by any officer mentioned in this section as compensation for services shall be as follows, viz.: County judge, an amount not exceeding \$2000 per annum; clerk of the county court, an amount not exceeding \$2000 per annum; county attorney, an amount not exceeding \$2000 per annum; clerk of the district court, an amount not exceeding \$2000 per annum; collector of taxes, an amount not exceeding \$2000 per annum; assessor of taxes, an amount not exceeding \$2000 per annum; and in addition thereto one-quarter of the excess of the fees collected by the said officers respectively; provided, that up to 1902, in counties in which there were cast at the last

presidential election as many as 5000 votes, and thereafter any county shown by the national census of 1900 to contain as many as 25,000 inhabitants, the following amounts shall be allowed, viz.: County judge, an amount not exceeding \$2250 per annum; clerk of the county court, an amount not exceeding \$2250 per annum; county attorney, an amount not exceeding \$2250 per annum; clerk of the district court, an amount not exceeding \$2250 per annum; collector of taxes, an amount not exceeding \$2250 per annum; assessor of taxes, an amount not exceeding \$2250 per annum; in addition thereto, one-fourth of the excess of the fees collected by said officers respectively; provided, further, that in counties containing a city of over 25,000 inhabitants, or in which there were cast at the last presidential election as many as 7500 votes, or by the census of 1900 shall contain as many as 37,500 inhabitants, the following amount of fees shall be allowed, viz.: County judge, an amount not exceeding \$2500 per annum; clerk of the county court, an amount not exceeding \$2500 per annum; county attorney, an amount not exceeding \$2500 per annum; clerk of the district court, an amount not exceeding \$2500 per annum; collector of taxes, an amount not exceeding \$2500 per annum; assessor of taxes, an amount not exceeding \$2500 per annum; and in addition thereto, one-fourth of the fees collected by the officers respectively; provided, that in counties where a county judge acts as superintendent of public instruction he shall receive such other salary as may be provided by the commissioners court, not to exceed the sum of \$600 per annum. The last United States census shall govern as to the population of the cities.

Sec. 11. The amounts allowed to each officer mentioned in section 10 of this act may be retained out of the fees collected by him under existing laws, but in no case shall the State or county be responsible for the payment of any sum when the fees collected by any officer are less than the maximum compensation allowed by this act, or be responsible for the pay of any deputy or assistant. Each officer mentioned in the preceding section, and also the sheriff and district attorney, shall at the close of each fiscal year make to the district court of the county in which he resides a sworn statement, showing the amount of fees collected by him during the fiscal year and the amount of fees charged and not col-

lected, and by whom due, and the number of deputies and assistants employed by him during the year, and the amounts paid or to be paid to each; and all fees collected by officers named in section 10 of this act during the fiscal year in excess of the maximum amount allowed and of the one-fourth of the excess of the maximum amount allowed for their services, and for the services of their deputies or assistants hereinafter provided for, shall be paid to the county treasurer of the county where the excess accrued; provided, that any officer in section 10 of this act who does not collect the maximum amount of his fees for any fiscal year, and who report delinquent fees for that year, shall be entitled to retain, when collected, such part of such delinquent fees as is sufficient to complete the maximum compensation for the year in which delinquent fees were charged, and also to retain the one-fourth of the excess belonging to him, and the remainder of the delinquent fees for that fiscal year shall be paid as hereinbefore provided for when collected.

Sec. 12. Whenever any officer named in section 10 of this act shall require the services of deputies or assistants in the performance of his duties, he shall apply to the county judge of his county for authority to appoint same, and the county judge shall issue, either in term time or vacation, an order authorizing the appointment of such a number of deputies or assistants as in his opinion may be necessary for the efficient performance of the duties of said officer. The officer applying for appointment of a deputy or assistant or deputies or assistants shall make affidavit that they are necessary for the efficiency of the public service; and the county judge may require in addition a statement showing the need of such deputies or assistants, and in no case shall the county judge attempt to influence the appointment of any person as deputy or assistant in any office. The maximum amount allowed for deputies or assistants for their services shall be as follows, to-wit: First assistant or chief deputy, a sum not to exceed the rate of \$1200 per annum; others not to exceed a rate of \$900 per annum. The county judge in issuing his order granting authority to appoint deputies or assistants shall state in such order the number or deputies or assistants authorized and the amount to be paid each, and the amount of compensation allowed shall be paid out of the fees of office

to which said deputies or assistants may be appointed, and shall not be included in estimating the maximum salaries of officers named in section 10 of this act.

Sec. 13. All fees due and not collected as shown in the reports required by section 11 of this act shall be collected by the officer to whose office the fees accrued, and out of such part of delinquent fees as may be due the county the officer making such collection shall be entitled to 10 per cent of the amount collected by him, and the remainder shall be paid into the county treasury as provided in section 11 of this act. It shall not be legal for any officer to remit an fee that may be due under the law fixing fees.

Sec. 14. Any officer named in section 10 of this act who shall fail to charge up the fees or costs that may be due under existing laws, or who shall remit any fee that may be due under the law, or who shall fail to make the report required in section 11 of this act, or who shall pay his deputy or assistant a less sum than the amount specified in his sworn statement, or receive back any part of such compensation allowed such deputy or assistant as a rebate shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than \$25 nor more than \$500. Each act forbidden in this section shall constitute a separate offense.

Sec. 15. It is not intended by this act that the commissioners court shall be debarred from allowing compensation for ex officio services to county officials not to be included in estimating the maximum provided for in this act, when in their judgment such compensation is necessary; provided, such compensation for ex officio services shall not exceed the amounts now allowed under the law for ex officio services; provided further, the fees allowed by law to district and county clerks, county attorneys and tax collectors in suits to collect taxes shall be in addition to the maximum salaries fixed by this act.

Sec. 16. It shall be the duty of those officials named in section 10 of this act, and also of the sheriff and district attorney, to keep a correct statement of the sums coming into their hands as fees and commissions, in a book to be provided by them for that purpose, in which the officer at the time when any fees or moneys shall come into his hands shall enter the same; and it shall be the duty of the

grand jury (and the district judge shall so charge the grand jury) to examine these accounts at the session of the district courts next succeeding the first day of December of each year and make a report on same to the district court at the conclusion of the session of the grand jury.

Sec. 17. The officers named in section 10 of this act in those counties having a population of 15,000 or less shall not be required to make a report of fees as provided in section 11 of this act or to keep a statement provided for in section 16 of this act; the population of the county to be determined by the vote cast at the last preceding presidential election on the basis of five inhabitants for each vote cast at such election.

Sec. 18. The tax collector and tax assessor at the time of their settlement of accounts with the Comptroller shall file with him a copy of the sworn statement required under section 11 of this act.

Sec. 19. A fiscal year within the meaning of this act shall begin on December 1st of each year, and each officer named in section 10 of this act shall file the reports and make the settlements required in this act, on December 1st of each year. Whenever such officer serves for a fractional part of a fiscal year he shall nevertheless file his report and make a settlement for such part of a year as he serves, and shall be entitled to such proportional part of the maximum allowed as the time of his service bears to the entire year. However, an incoming officer elected at the general election who qualifies prior to December 1st next following, shall not be required to file any report or make any settlement before December 1 of the following year, but his report and settlement shall embrace the entire period dating from his qualification. This act shall take effect and be in force from and after December 1st, 1897.

Sec. 20. The sheriff shall not be required to include in his reports and statements required by sections 11 and 16 of this act the following items, to-wit: All actual expenses including the per diem allowed him received from the State in conveying attached witnesses out of the county of his residence. 2nd. Mileage and sums allowed by law and paid by the State as expenses for removing and conveying prisoners to and from any point beyond the county of the sheriff's residence under all legal warrants issued in felony cases. 3rd. All sums re-

ceived as rewards for making arrests of fugitives from justice. 4th. All sums received from the county for the safe keeping, support and maintenance of prisoners confined in jail.

Sec. 21. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 22. The fact that the session of the Legislature is fast growing to a close, and the importance of this bill, and the very crowded condition of the calendar, creates an emergency and any imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put on its third reading and final passage, and it is so enacted.

The Senate then resumed the consideration of substitute House bill No. 207 (see above).

By Senator Ross:

Amend by striking out lines 22 to 30, inclusive, on page 6, and inserting the following: "From every theatrical or dramatic representation for which pay for admission is demanded or received in towns or cities of 1500 inhabitants or less, \$50; in towns and cities of 1500 and not more than 3000, \$100; in towns and cities of over 3000 and not less than 5000, \$200; in towns and cities over 5000 and not over 10,000, \$400; and in towns and cities of over 10,000 inhabitants, \$800 per day for every day they may perform."

Senator Colquitt moved to table the amendment.

Tabled.

By Senator Beall:

Amend by striking out lines 25 to 28, inclusive, page 13, and insert in lieu thereof the following: "For every kinetoscope or other similar machine or instrument, used for profit, which shows a representation of any pugilistic encounter between man and man, or a fight between a man and a bull, or any other animal, an annual occupation tax of \$250, and a county occupation tax of \$10, for each day such exhibition is given. For every kinetoscope or other similar machine or instrument, used for profit, which shows the life-like motions of persons or animals, except as hereinabove provided, an annual occupation tax of \$25."

Lost.

(President pro tem. Dibrell in the chair.)

Senator Stafford called up his amendment pending when consideration of the bill was postponed (see above), to-wit:

"Amend on page 15, line 1, by striking out '\$25' and inserting '\$50.'"

By Senator Bowser:

Substitute the amendment as follows: Strike out "\$25" where it appears in lines 1 and 2, page 15, and insert "\$300" in lieu thereof.

Lost.

The amendment (Stafford's) was then adopted.

By Senator Stafford:

Amend page 15, lines 2 and 3, by striking out "\$10" and inserting in lieu thereof "\$25."

Adopted.

Pending further consideration, the following amendments were sent up:

By Senator Bowser:

Add after "merchants," in line 7, on page 15, the words, "who pay an occupation tax."

By Senator Beall:

Insert between lines 16 and 17:

"From each brewery, brewing company or association there shall hereafter be collected in addition to the occupation tax paid by them as liquor or malt liquor dealers, ten cents on each and every barrel of beer brewed.

"It shall be the duty of the manager or secretary of each brewery, brewing company or association to make out a sworn statement on the first day of January and July of each year, giving the number of barrels of beer brewed by their respective breweries for the previous six months, and forward the same to the Comptroller, and at the same time send to the State treasury the tax herein levied. The above tax herein provided shall apply to all beer sold by resident agents in this State on beer not brewed in this State, and such agent shall be subject to the same requirement in making semi-annual reports to the Comptroller, showing the number of barrels of beer sold by them for the preceding six months, and in paying the above tax as breweries, brewing companies or associations in this State; provided, no occupation tax upon such breweries, brewing companies or associations in this State, or resident agents of foreign breweries, brewing companies or associations selling beer in this State, shall be imposed by any county or town or city corporation."

The Chair gave notice of signing and did sign, after their captions had been read,

House bill No. 543, a bill to be entitled "An act to authorize the Galveston, La Porte and Houston Railway Company to acquire by purchase,

lease or otherwise all the rights, franchises and property of the Galveston and Western Railway Company, and to operate, maintain and use the same."

House bill No. 629, a bill to be entitled "An act to prevent the selling or trading of animals of the horse or mule species affected with a discharge from the nose."

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, May 18, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 712, a bill to be entitled "An act to inaugurate a more efficient road system for Matagorda county,"

With amendment.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Colquitt, the Senate adjourned to 10 o'clock a. m. to-morrow.

ONE HUNDREDTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, May 19.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Victoria.	

Absent.

Darwin. Turney.
Neal.

Excused.

Boren.